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2005 FEB 22 P 3:33

February 22, 2005

Mark Goodin, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 5440
The Media Fund

Dear Mr. Goodin:

This letter is submitted on behalf of The Media Fund ("TMF") in response to the Commission's December 22, 2004, letter notifying TMF that the Commission found that there is reason to believe ("RTB") that TMF violated 2 U.S.C. §§ 441a and 434, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

I. Introduction.

The Factual and Legal Analysis ("FLA") that forms the basis for the Commission's RTB determination asserts that the violations of the Act are a result of coordination between TMF and the Democratic National Committee ("DNC") "because of the conduct of one of [the DNC's] Executive Committee members"—Harold Ickes, who also served as President of TMF. FLA at 5. The Commission bases this conclusion on the theory that "[b]y virtue of his DNC position, Ickes allegedly knew that Kerry would need financial assistance after the primaries, knew in which broadcasting markets the assistance would be needed, and has used that knowledge in carrying out TMF's communications and activities." FLA at 1-2 (emphasis added).

TMF and the DNC did not coordinate as a result of the conduct of Mr. Ickes, and the information they assert he received by virtue of his DNC position was commonly known and publicly available.

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FEDERAL ELECTION
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COUNSEL

2005 FEB 22 P 4:21

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II. TMF's Communications and Activities Were Not Coordinated With the DNC.

TMF did not coordinate its communications with the DNC. The FLA alleges that, "because of the conduct of" Mr. Ickes, the DNC received an in-kind contribution from the TMF in the form of coordinated communications. See FLA at 5. In so alleging, the Commission is asserting that the DNC is vicariously liable for the acts of Mr. Ickes. Even if Mr. Ickes had received "insider information" from the DNC, he was not authorized to act on behalf of the DNC in conveying that information to a third party. Thus, the DNC cannot be vicariously liable for his acts. In addition, because any information allegedly conveyed from the DNC to TMF was not material to TMF's communications, no violation of the Act occurred.

a. The Coordination Alleged Requires a Principal-Agent Relationship Between the DNC and Ickes.

The FLA does not allege that the DNC itself coordinated with TMF. Instead, it alleges that Mr. Ickes's actions can be imputed to the DNC. This is, in every way, shape and form, an assertion that the DNC is vicariously liable for Mr. Ickes's actions. The principle of vicarious liability, or *respondeat superior*, has been well-established in our legal system from some 300 years, and is dependent upon a principal-agency relationship. See generally, *Jones v. Hart*, 2 Salk 441, 90 Eng.Rep. 1255 (1698).

Mr. Ickes was not an agent of the DNC at the time any coordination is alleged to have occurred.¹ A person acts as an agent of a national political party only if he has actual authority, express or implied, to engage in any of the itemized activities in 11 C.F.R. 109.3(a)(1) – (5). The Commission limited the scope of the definition of "agent," as follows:

For the purposes of a coordination analysis under 11 CFR part 109, a person would only qualify as an 'agent' when he or she: (1) Receives actual authorization, either express or implied, from a specific principal to engage in the specific activities listed in 109.3; (2) engages in those activities on behalf of that specific principal; and (3) those activities would result in a coordinated communication if carried out directly by the candidate, authorized committee staff, or a political party official." Explanation & Justification, "Coordinated and Independent Expenditures," 68 Fed. Reg. 424 (Jan. 3, 2003) ("E&J").

The agency standard established by the Commission makes clear that "[a] principal can only be held liable for the actions of an agent when the agent is acting on behalf of the principal, and not when the agent is acting on behalf of other organizations or individuals. Specifically, it is not enough that there is some relationship or contact between the principal and agent; rather,

¹ It is unclear from the FLA when the Commission alleges this transmission of information occurred. Presumably, any activity that forms the basis of the RTB with regard to 11 C.F.R. 109.21 occurred on or after February 3, 2003, the effective date of the regulation. See Final Rules, "Coordinated and Independent Expenditures," 68 Fed. R. 421 (January 3, 2003).

the agent must be acting on behalf of the principal to create potential liability for the principal.” E&J, 67 Fed. Reg. 49083.

The beginning and end of an agent-coordination analysis can be established if a person does not have actual authority to act on behalf of the principal or when a person is acting on behalf of another organization. Mr. Ickes did not have actual authority to act as an agent on behalf of the DNC’s Executive Committee.

The FLA states that it would be an “absurd reading of the coordination regulation” to require the existence of an agency relationship between Mr. Ickes and the DNC. FLA at 4. We believe it is even more absurd for the Commission to read the word “agent” out of the regulation.

The DNC Executive Committee consists of 63 members. It does not request, make, create, or authorize electioneering communications, public communications, express advocacy communications or communications republishing candidate materials. It is not materially involved in decisions regarding content, timing, means or mode, specific media outlets, timing or frequency, or size or duration of any communication. Moreover, The DNC Executive Committee has not acted in any manner, express or implied, to grant actual authority to Mr. Ickes to act on behalf of the DNC for any reason, including with respect to his independent role at TMF.

Because Mr. Ickes was not an agent of the DNC, the DNC cannot be vicariously liable for his actions. Thus, no coordination between TMF and the DNC occurred based upon the actions of Mr. Ickes.²

b. The DNC Was Not Materially Involved in TMF’s Communications.

Mr. Ickes did not convey any “inside information” from the DNC to TMF that was material to TMF’s communications. The Commission bases its RTB finding on the “material involvement” conduct standard. See FLA at 3.³ In order for the DNC to have been “materially involved in decisions” relating to TMF’s communications, any information conveyed to TMF by the DNC must have been “important; more or less necessary; having influence or effect; going to the merits,” of TMF’s communications. E&J 68 Fed. R. at 433, citing Black’s Law Dict. (6th ed.

² The FLA asserts that “any potential coordinated communication by TMF for the benefit of the DNC is not dependent on a determination that Ickes is an ‘agent’ of the DNC.” FLA at 4. As an illustration of this point, the FLA cites an example provided in the E&J regarding the relationship between a lawyer and client where the lawyer is absent when a client makes a decision based on information the lawyer provided to the client. Unlike the relationship between the DNC and Mr. Ickes, the relationship between a lawyer and client is one of agent and principal.

³ None of TMF’s communications were made at the “request or suggestion” of the DNC or any agent of the DNC. See 11 C.F.R. 109.21(d)(1). Nor were TMF’s communications made after “substantial discussions” with the DNC or its agents. See 11 C.F.R. 109.21(d)(3). The FLA states that there is a “basis to investigate whether the ‘request or suggestion’ or ‘substantial discussion’ elements might also be satisfied.” FLA at 6. If the Commission cannot set forth a factual and legal basis that provides a reason to believe that the “request or suggestion” or “substantial discussion” elements are satisfied, there is no basis to investigate these elements. The only basis to investigate is a finding that there is reason to believe that a specific violation has occurred. See 11 C.F.R. 111.9, 111.10. It is apparent that the Commission has no reason to believe that a specific violation relating to the “request or suggestion” or “substantial discussion” elements has occurred because it cannot even say whether these elements “might also be satisfied.”

1990). Because TMF did not receive any information from the DNC that was important to its communications, the DNC was not materially involved in TMF's communications.

i. Mr. Ickes Did Not, "By Virtue of His DNC Position" Have Access to Information Material to TMF's Communications.

In the FLA, the Commission asserts only that, "[by virtue of his DNC position, Ickes allegedly knew that Kerry would need financial assistance after the primaries, knew in which broadcasting markets the assistance would be needed, and has used that knowledge in carrying out TMF's communications and activities." FLA at 1-2. Although Mr. Ickes served as a member of the DNC's Executive Committee, his role on the Executive Committee was a limited one. It dealt with delegate selection plans, nominating procedures and the party convention. This position did not provide him with access to the DNC's communication plans, projects or needs. It did not provide him with any information related to Mr. Kerry's communication plans, projects or needs. And, it did not provide him with access to any information that was material to TMF's communications. Indeed, the Executive Committee meetings Mr. Ickes attended provided him only with information accessible to the public. All DNC Executive Committee meetings were open to the public, and some of them were nationally televised on C-SPAN. Anyone could have collected the same information if they attended the public meetings or watched television. Mr. Ickes gained the knowledge necessary to formulate and implement TMF's communication strategy not "by virtue of his DNC position," but by virtue of his past experience, his knowledge of current events gained from reading the newspapers or watching television, and his use of analytical reasoning to project future results based on historical trends, as described below.

ii. Information Material to TMF's Communications and Activities Was Public Knowledge.

The FLA argues that "[b]y virtue of his DNC position, Ickes allegedly knew that Kerry would need financial assistance after the primaries, knew in which broadcasting markets the assistance would be needed, and has used that knowledge in carrying out TMF's communications and activities." FLA at 1-2. TMF's communication strategy was formulated using a combination of widely-known, publicly available information and data that was created by TMF and/or its paid consultants independently of the DNC or the Kerry campaign.⁴ All information related to any financial need on the part of the Kerry campaign or media markets likely to be targeted was public knowledge.

1. TMF's Communication Strategy Was a Response to Republicans' Publicly Announced Plan.

In the fall of 2003, the *New York Times* reported that Republicans had put in place a media strategy that focused its spending on the period immediately after a likely nominee

⁴ TMF hired its own polling firms, media strategists, advertising consultants and media buyers. These consultants, not the DNC, advised TMF on the content, audience, mode, media outlets, timing and frequency and duration of its advertising. Had the DNC just provided TMF with this information, TMF would not have wasted valuable resources paying consultants to duplicate the DNC's data.

emerged from the field of Democratic candidates. See Exhibit 1. The *Times* reported on September 29, 2003, that "President George W. Bush's political advisers have set in motion an aggressive re-election machine...amassing a pile of cash for a blanket advertising campaign expected to begin around the time Democrats settle on their candidate early next year, party officials said." See id. TMF's decision to time its ad buys during the period between the contested Democratic primaries and the general election was a result of this publicly-available information. Thus, contrary to the complaint's and the FLA's assertion, TMF's strategy resulted not from information obtained from the DNC, but from the Republicans and the *New York Times*.

2. The Presumption that the Democratic Nominee Would "Need Financial Assistance" After the Primaries Was Well-Advertised.

There was a widely-shared and well-advertised view that the candidate who emerged from the Democratic primaries as the likely nominee would have exhausted his funding resulting in an absence of the Democratic view point from the air waves until the August convention when the nominee received public funding. As the *Times* reported in September 2003, the Republicans assumed that the Democratic nominee would emerge from the primaries "probably battered and very likely almost broke." See Exhibit 1. A November 2003 *Times* editorial opined that "[t]he presumptive Democratic nominee, who is expected to emerge in March, will probably have exhausted his campaign money by then...." See Exhibit 2. If TMF had received information from the DNC that the President's campaign would likely have more money on-hand after the Democratic primaries than the Democratic nominee, that information would not be material to TMF's communications because the information was already common knowledge. Thus, it cannot be the basis for an RTB finding that the DNC and the TMF coordinated.

3. Historical Trends Show That Incumbent Presidents Have More Money on Hand After the Primaries Than The Challenger.

As shown above, there was a widely-held view that President Bush, the incumbent in the 2004 Presidential race, would have more money available after the primaries than the Democratic challenger. This view is borne out by historical data that is publicly available and not inside information accessible only to members of the DNC executive committee. An examination of the cash-on-hand for the major party nominees through April of each of the last three Presidential elections in which an incumbent President was running for re-election demonstrates the truth of this widely-held view.

Cash-on-Hand for Major Party Nominees Through April of 1996⁵

		Cash-on-Hand
Incumbent	Clinton	\$19,343,730
Challenger	Dole	\$1,901,657

⁵ See Exhibit 3 at 1.

Cash-on-Hand for Major Party Nominees Through April of 1992⁶

		Cash-on-Hand
Incumbent	Bush	\$7,119,892
Challenger	Clinton	\$258,215

Cash-on-Hand for Major Party Nominees Through April of 1984⁷

		Cash-on-Hand
Incumbent	Reagan	\$11,977,186
Challenger	Mondale	\$68,182

Because this information was publicly available to TMF and not received as a result of coordination between the DNC and TMF, this information was not "material" to TMF's communications, and thus cannot be the basis of an RTB finding.

4. The 2004 Battleground States Were Widely Known.

TMF did not receive any information from the DNC regarding the media markets where TMF distributed its communications. Even if TMF had received such information, it would not have been material to TMF's communications, because the targeted "battleground" or "swing states" were widely known and publicly available well before the 2004 primary season even began.

The broadest definition of "swing state" is "a state that, through evidence of polling and its history, could vote either Democratic or Republican on election day."⁸ A more commonly used definition is a state whose popular vote went to either Bush or Gore by 5% or less (or where the margin of victory between the two candidates was 10% or less).⁹ Using this definition and publicly available data,¹⁰ anybody with a calculator could determine which states to target for media buys in 2004. But in fact, it was not even necessary to put forth the minimal effort required to input the numbers into a calculator because the media had been reporting on the 2004 battleground states since as early as 2001. On December 16, 2001, the *Sunday Gazette Mail* identified West Virginia as the possible key to the 2004 presidential election.¹¹ Ohio was reported to be a swing state as early as January 2003.¹² Pennsylvania was called a swing state as early as March 2003.¹³ Arkansas,¹⁴ Missouri,¹⁵ Minnesota,¹⁶ Florida,¹⁷ and New Mexico¹⁸ had,

⁶ See Exhibit 3 at 1.

⁷ See Exhibit 3 at 2.

⁸ The battleground states were so widely recognized that even Canadian press was running stories on them. See <<http://www.cbc.ca/news/background/uselection2004/swingstates.html>>, visited February 16, 2005.

⁹ See e.g., <<http://www.swingstateproject.com/2003/10/index.html>> visited February 16, 2005.

¹⁰ See Exhibit 4.

¹¹ See Paul J. Nyden, "Save Steel Jobs, Jay Urges Congress," *Sunday Gazette Mail*, Dec. 16, 2001 at A1.

¹² See David L. Green, "Bush Shifting Focus for '02," *Baltimore Sun*, Jan. 8, 2002 at 1A.

¹³ See Lynne McKenna Frazier, "Workers, Makers Await Word; Bush's Decision on Imports Is Due Wednesday," *Fort Wayne News-Sentinel*, Mar. 4, 2002 at 1B.

¹⁴ See Mike Thomas, "ERA Revival Is Attempt to Uproot Bushes," *Orlando Sentinel-Tribune*, Apr. 8, 2003.

¹⁵ See *id.*

¹⁶ See Bob von Sternberg, "GOP Has Minnesota Voters in Its Sights," *Star Tribune*, July 21, 2003 at 1A.

¹⁷ See The Kiplinger Letter, Oct. 31, 2003.

¹⁸ See *id.*

by October 31, 2003, all joined the list of states being reported as swing states for the 2004 presidential election. In fact, in October 2003, the Swing State Project had posted on its website a complete list of battleground states for the 2004 elections.¹⁹ Every state TMF targeted for its communications was on this list.

The information about which states were important to the 2004 presidential election was not "inside information" possessed by the DNC, and was in fact available to anyone who wanted it. Because any information the DNC may have had was not material to TMF's communications, it cannot form a basis for the Commission's RTB determination.

III. Conclusion

TMF did not coordinate its communications with the DNC. The Commission's allegation that the DNC, through the conduct of Mr. Ickes, provided TMF with information must be based on a principal-agent relationship between the DNC and Mr. Ickes. Because Mr. Ickes was not authorized to act on behalf of the DNC, no coordination between TMF and the DNC occurred. In addition, Mr. Ickes's position with the DNC did not provide him with access to the DNC's communication plans, projects or needs. It did not provide him with any information related to Mr. Kerry's communication plans, projects or needs. And it did not provide him with access to any "inside information" that was material to TMF's communications. For these reasons, TMF did not coordinate with the DNC.

For the reasons set forth above, we respectfully request that the Commission take no further action and close this matter as it relates to TMF.

Respectfully submitted,



Lyn Utrecht
James Lamb
Jessica Robinson

¹⁹ See <<http://www.swingstateproject.com/2003/10/index.html>>, visited February 16, 2005.

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Copyright 2003 International Herald Tribune
The International Herald Tribune

September 30, 2003 Tuesday

SECTION: NEWS; Pg. 1

LENGTH: 1081 words

HEADLINE: Bush campaign amasses arms but holds its fire

BYLINE: Richard W. Stevenson And Adam Nagourney

SOURCE: The New York Times

DATELINE: WASHINGTON:

BODY:

President George W. Bush's political advisers have set in motion an aggressive re-election machine, building a national network of get-out-the-vote workers and amassing a pile of cash for a blanket advertising campaign expected to begin around the time Democrats settle on their candidate early next year, party officials said.

Bush's senior advisers, in interviews last week, repeatedly described the Democratic field as unusually weak and divided, providing an important if temporary cushion for Bush.

Still, they said the recent sharp drop in the president's approval ratings, the continued loss of jobs in the economy and the problems plaguing the U.S. occupation of Iraq only made the political outlook more uncertain in an election that they have long thought could be as tightly contested as the one in 2000.

"We expect it to be a hard-fought, close election in a country narrowly divided," said Karl Rove, Bush's senior adviser. "When a Democratic nominee is finally selected, our expectation is that it could be a close and hard-fought race."

The decision to delay the start of advertising until about the time the Democrats settle on a nominee is a rejection of what had been a central element of President Bill Clinton's re-election campaign.

Clinton began advertising 16 months before Election Day, in an effort to define the election before the Republicans chose an opponent.

Republicans said that would be a waste of money, given the battle taking place among the Democrats. Instead, aides to Bush said, their campaign will begin spending when a Democratic nominee starts to emerge from the primary battle, probably battered and very likely almost broke.

In what Republicans said was a pre-emptive effort to nullify Democratic attacks that are likely to gain more attention in the weeks ahead, Bush's political operation, using elected officials and party leaders, has begun to try to cast the Democratic candidates as excessively negative in their attacks on a personally popular president.

The headline on a Republican National Committee statement attacking the Democratic presidential debate of last Thursday night read: "Democrats So Desperate to Attack President Bush, They Will Say Just About Anything!"

Exhibit 1

As Senator George Allen of Virginia, chairman of the National Republican Senatorial Committee, put it in an interview: "The president is focused on doing his job, and the Democrats can focus on having their debates and who can be the most shrill."

The strategy is reminiscent of what Bush's advisers did in 2000, when they sought early on to raise questions about Al Gore's credibility as a way of undercutting any attack Gore sought to make as the campaign progressed.

The Bush campaign has churned ahead in raising money for what Republicans said would be a television advertising and get-out-the-vote operation unparalleled in presidential campaigns.

Campaign officials said they were likely to report in the next few weeks that more than \$80 million has been taken in since the start of re-election fund-raising in late June, roughly \$50 million of it in the third quarter, which ends Tuesday.

Advisers to Bush said they expected the campaign to hit its fund-raising target of \$170 million by the end of the winter. That would leave the president flush with cash and free from the need to spend so much time raising money as he enters into a head-to-head matchup with whichever Democrat is nominated.

That would mean that Bush would be able to avoid fund-raising appearances that might undermine his effort to portray himself as above the fray and tending to the business of the White House.

Against this backdrop, Republican officials were disdainful of the 10 Democratic challengers. The officials' harsh characterization of the field was described by Democrats and independent observers as bluster, though it seems to have fed confidence in Bush's camp.

"Each of them has relative strengths and weaknesses, but happily for us, in each case the relative weaknesses outweigh the relative strengths," said Ed Gillespie, the chairman of the Republican National Committee. "They're all Howard Dean now. They have adopted harsh, bitter, personal attacks as their approach. They are a party of protest and pessimism and offer no positive agenda of their own."

Like the Democrats, the Bush campaign is convinced that the election of 2004 could once again turn on a relative handful of votes in key states.

On Oct. 4, the campaign will bring together about 500 volunteers in Atlanta to train them in how to organize precincts, canvass voters and get them to the polls in Georgia. Similar events will eventually take place across the country as the campaign moves to place organizers on the ground in virtually every precinct in the nation.

Mindful that Bush drew less than 50 percent of the vote last time and that there may be no third-party candidate to drain support from the Democrats this time Bush's advisers have been moving to expand their appeal among Hispanics, women and independent-minded suburbanites, and then turn those voters out at the polls.

They also have their eyes on more narrowly defined groups, like the estimated four million evangelical Christians who, they say, did not vote in 2000.

"This is the first time I know of that an incumbent president has undertaken a true grass-roots effort that penetrates precincts and neighborhoods instead of relying entirely on image and media," said Ralph Reed, chairman of the state Republican Party in Georgia and an adviser to the Bush campaign.

The campaign continues to hire new staff members. It recently settled on Terry Holt, a veteran congressional aide and Republican operative, as the campaign spokesman.

Members of the president's political team said they were not overly worried about signs of deterioration in his standing. Bush is still in a stronger position now in the polls, they said, than either Ronald Reagan or Clinton was at this point in his first term.

In addition, the Democratic attacks on Bush in the last few weeks have to a large extent gone unanswered, one price of Bush's effort to present himself as unconcerned about what the Democrats are doing. And the political calendar means that Bush can capitalize on an enviable platform to rebut the Democrats in January: His State of the Union message is expected to be delivered right around the time of the Iowa caucuses and the New Hampshire primary.

2 of 2 DOCUMENTS

Copyright 2003 The New York Times Company
The New York Times

November 7, 2003 Friday
Late Edition - Final

SECTION: Section A; Column 1; Editorial Desk; Pg. 26

LENGTH: 438 words

HEADLINE: Shrinking From Campaign Reform

BODY:

It is historic, not just regrettable, that former Gov. Howard Dean of Vermont thinks that he had best drop out of the publicly subsidized campaign financing system and reach for bigger money through private donations. That would be a grave blow by a Democratic front-runner to a system that has served well since the Watergate days, when political corruption by special-interest money scandalized the nation into reform.

The move, which Dr. Dean hopes will be endorsed by his Internet supporters, is sadly understandable. The Democratic primary rivals are exhausting their resources in attacking one another, under public financing rules that limit their spending in the primaries to \$45 million each. President Bush, meanwhile, is amassing a war chest that could reach \$200 million in private donations. He can spend that money as he chooses even though he has no challenger to his nomination for re-election.

The presumptive Democratic nominee, who is expected to emerge in March, will probably have exhausted his campaign money by then if he sticks to the use of public funds. That will give Mr. Bush four months to overwhelm the Democrat before the Democratic Party's convention, then another four weeks to keep up the assault until the president, too, enters into the public financing arena after his own convention. President Clinton was a trailblazer for this strategy with his soft-money assault on the Republicans before his 1996 re-election.

It is not hard to discern why Mr. Bush has led the way in opting out of public financing: his upper-bracket tax cuts float as bread upon the campaign waters. The Center for Public Integrity, a political watchdog group, has found that some of the biggest Bush donors enjoy an estimated \$8 billion worth of government contracts in Afghanistan and Iraq. Dr. Dean is convinced that he must resort to private fund-raising if he is to have a chance at the nomination and the White House. He has pledged to repair and update public financing, which urgently needs modernizing, as have Senator John Kerry of Massachusetts and Gen. Wesley Clark, who may also opt for private financing.

While his retreat is understandable, Dr. Dean should show his commitment to principle by pledging right now that he will voluntarily spend no more than the \$45 million limit in campaigning against other Democrats, and save the rest of his private funds for challenging Mr. Bush. We have never had a political candidate in recent times who coupled the ability to raise large sums with a willingness to show restraint to support the concept of public financing. Dr. Dean could and should be that man.

URL: <http://www.nytimes.com>

LOAD-DATE: November 7, 2003

Exhibit 2

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Financing the 1996 Presidential Campaign

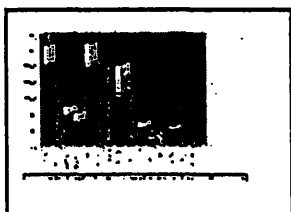
The Federal Election Commission offers a variety of information about the financing of the presidential campaign. Candidates will be reporting their financial information to the Commission on a monthly basis during 1996, with reports due on the 20th of the month covering the previous month.

As information is added to the data base from the previous month, we'll be updating the tables and charts presented here:

Information is currently available through August 31, 1996

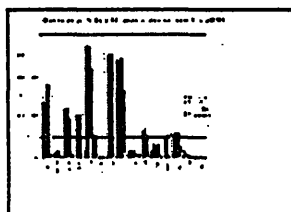
Presidential Candidate Summary Report

These tables summarize Presidential Pre-Nomination financial activity for candidates with at least \$100,000 in activity. They only include information for the Presidential primary campaign. As such they do not contain information for other federal races of individuals listed, nor the activity of compliance committees which can only be used in the general election campaign. Several sources of receipts and categories of spending appear in the charts, based on information provided by the campaigns on the summary pages of reports filed with the Commission. New reports will be filed monthly in 1996. As each new report is received its summary information is added to the earlier data. A new set of charts will be generated when information for all of the selected candidates has been processed. If all reports are received on the due date, the new charts will be available within 48 hours after the reports have been received.



[Click here for chart of Presidential campaign receipts](#)

(Note: The chart may take a long time to receive - you can see the same information in a Table below - see "sources of receipts")



[Click here for a chart of Presidential Campaign disbursements](#)

(Here again, the chart is pretty big - you can see a table of "disbursements" below)

Many of the sources of receipts and categories of disbursements have been adjusted in the charts to reflect only the money that is available for actual campaign activity and is used for those purposes. Any refunds of contributions from individuals or committees, for example, are subtracted from the totals before the information is displayed here. Similarly, if the campaign is required to make a refundable deposit in order to obtain a service, these deposits are subtracted from the spending total when they are

returned to the campaign (offsets to expenditures). This means that the total for both receipts and disbursements will be lower than the total receipts and total disbursements appearing on campaign reports.

You should keep in mind that some fundraising and all legal and accounting disbursements are exempt from the overall spending limits imposed on candidates who accept public funds. Most campaigns report these disbursements separately from regular operating expenses, but they are not required to do so.

The presidential reporting process is complex, and a more detailed explanation of the information presented here will be important for those using this material for reporting or research purposes. Reporters should contact the FEC Press Office at (202) 219-4155 or (800) 424-9530 to insure that the charts contain the most appropriate information for your stories. Reports themselves may be reviewed and/or copied in the Commission's Public Records Office - 999 E Street N.W. in Washington. (202) 219-4140.

You can also see a table of Individual Contributions (of \$200 or more) by State for each Candidate

FEDERAL ELECTION COMMISSION

1996 PRESIDENTIAL PRE-NOMINATION CAMPAIGNS

ADJUSTED RECEIPTS

(Inception through August 31, 1996)

CANDIDATE		INDIV	PARTY	OTHR CMTE	
	FEDERAL	CONTRIB	CONTRIB	CONTRIB	CANDIDATE
	MATCHING	MINUS	MINUS	MINUS	CONTRI-
	FUNDS	REFUNDS	REFUNDS	REFUNDS	BUTIONS
DEMOCRATS					
CLINTON	\$13,412,197	\$28,285,108	\$1,861	\$40,580	\$0
*LAROCHE	\$624,691	\$3,058,562	\$0	\$1,000	\$0
REPUBLICANS					
ALEXANDER	\$4,573,442	\$12,635,615	\$0	\$286,766	\$9,583
BUCHANAN	\$9,812,517	\$14,659,228	\$0	\$18,280	\$0
DOLE	\$13,545,770	\$29,555,502	\$1,000	\$1,208,655	\$0
DORNAN	\$0	\$297,511	\$0	\$1,000	\$0
FORBES	\$0	\$4,203,792	\$0	\$2,000	\$1,000
GRAMM	\$7,356,218	\$15,880,676	\$1,987	\$400,879	\$0
KEYES	\$892,436	\$3,442,056	\$501	\$3,500	\$2,500
*LUGAR	\$2,643,477	\$4,803,612	\$6,250	\$129,015	\$0
*SPECTER	\$1,010,455	\$2,284,901	\$0	\$158,791	\$0
TAYLOR	\$0	\$37,854	\$0	\$0	\$3,342

WILSON	\$1,724,254	\$5,285,889	\$0	\$242,349	\$0
OTHER PARTY					
BROWNE	\$0	\$1,112,482	\$1,144	\$100	\$34,271
HAGELIN	\$358,883	\$700,085	\$100	\$0	\$15,250
PEROT	\$0	\$82,781	\$0	\$0	\$8,215,746
*LAMM	\$0	\$140,281	\$0	\$0	\$5,000
DEM SUBTOTAL	\$14,036,888	\$31,343,670	\$1,861	\$41,580	\$0
REP SUBTOTAL	\$41,558,569	\$93,086,636	\$9,738	\$2,451,235	\$16,425
OTHER SUBTOTAL	\$358,883	\$2,035,629	\$1,244	\$100	\$8,270,267
GRAND TOTAL	\$55,954,340	\$126,465,935	\$12,843	\$2,492,915	\$8,286,692

CANDIDATE	OTHER			
LOANS	LOANS	TRANSFERS		ADJUSTED
MINUS	MINUS	FROM PRIOR	OTHER	CAMPAIGN
REPAYMENTS	REPAYMENTS	RACES	RECEIPTS	TOTAL

DEMOCRATS

CLINTON	\$0	\$0	\$250,000	\$499,802	\$42,489,548
*LAROCHE	\$0	\$0	\$0	\$0	\$3,684,253

REPUBLICANS

ALEXANDER	\$0	\$0	\$0	\$109,572	\$17,614,978
BUCHANAN	\$0	\$0	\$0	\$11,151	\$24,501,176
DOLE	\$0	\$0	\$242,169	\$50,996	\$44,604,092
DORNAN	\$44,000	\$0	\$0	\$4,374	\$346,885
FORBES	\$37,456,000	\$0	\$0	\$30,689	\$41,693,481
GRAMM	\$0	\$0	\$4,782,085	\$369,657	\$28,791,502
KEYES	\$5,000	\$1,000	\$0	\$1,172	\$4,348,165
*LUGAR	\$0	\$100,000	\$85,000	\$2,029	\$7,769,383
*SPECTER	\$0	\$0	\$17,000	\$19,148	\$3,490,295
TAYLOR	\$6,471,754	\$0	\$0	\$3,900	\$6,516,850
WILSON	\$0	\$0	\$2,000	\$108,723	\$7,363,215

OTHER PARTY

BROWNE	\$0	\$0	\$0	\$0	\$1,147,997
HAGELIN	\$50,000	\$0	\$0	\$0	\$1,124,318
PEROT	\$0	\$0	\$0	\$0	\$8,298,527

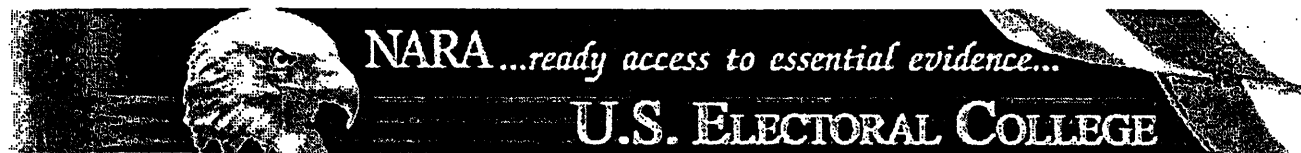
*LAMM	\$25,000	\$0	\$0	\$0	\$170,281
DEM SUBTOTAL	\$0	\$0	\$250,000	\$499,802	\$46,173,801
REP SUBTOTAL	\$43,976,754	\$101,000	\$5,128,254	\$711,411	\$187,040,022
OTHER SUBTOTAL	\$75,000	\$0	\$0	\$0	\$10,741,123
GRAND TOTAL	\$44,051,754	\$101,000	\$5,378,254	\$1,211,213	\$243,954,946
*Reports covering August have not yet been received.					

PRESIDENTIAL CAMPAIGN DISBURSEMENTS (Inception through August 31, 1996)

		TOTAL	EXPENDITURES	CASH	DEBTS
	CANDIDATE	DISBURSEMENTS	SUBJ TO LIMIT	ON	OWED
				HAND	BY
DEMOCRATS	CLINTON	\$38,105,490	\$27,965,515	\$4,269,964	\$753,726
	*LAROCHE	\$3,706,949	\$3,531,124	\$57,300	\$86,257
REPUBLICANS	ALEXANDER	\$16,353,539	\$12,533,814	\$1,167,039	\$0
	BUCHANAN	\$24,489,005	\$24,476,578	\$21,004	\$1,823,860
	DOLE	\$42,173,706	\$31,559,649	\$2,430,478	\$117,994
	DORNAN	\$341,718	\$0	\$5,161	\$186,140
	FORBES	\$41,657,444	\$0	\$35,040	\$37,456,000
	GRAMM	\$28,038,313	\$19,420,192	\$666,055	\$2,247
	KEYES	\$4,252,471	\$1,948,457	\$36,573	\$501,237
	*LUGAR	\$7,631,213	\$6,422,495	\$85,413	\$133,024
	*SPECTER	\$3,391,843	\$3,391,846	\$109,065	\$88,599
	TAYLOR	\$6,504,966	\$0	\$1,586	\$6,513,105
	WILSON	\$7,219,912	\$3,219,682	\$113,854	\$586,518
OTHER PARTY	BROWNE	\$1,073,600	\$0	\$40,129	\$0
	HAGELIN	\$1,117,266	\$986,609	\$17,350	\$163,815
	PEROT	\$8,031,229	\$0	\$177,300	\$0
	*LAMM	\$39,364	\$0	\$130,896	\$0
DEM SUBTOTAL		\$41,812,439	\$31,496,639	\$4,327,264	\$839,983
REP SUBTOTAL		\$182,054,130	\$102,972,713	\$4,671,268	\$47,408,724
OTHER SUBTOTAL		\$10,261,459	\$986,609	\$365,675	\$163,815

GRAND TOTAL	\$234,128,028	\$135,455,961	\$9,364,207	\$48,412,522
*Reports covering August have not yet been received				

27044181096



2000 Presidential Election

Popular Vote Totals

Vote totals are as shown on each State's Certificate of Ascertainment. The highest number is highlighted.

State	Bush / Cheney	Gore / Lieberman	Nader / LaDuke	Buchanan / Foster	Other	Total Votes
AL	941,173	692,611	18,323	6,351	7,814	1,666,272
AK	167,398	79,004	28,747	5,192	4,151	284,492
AZ	781,652	685,341	45,645	12,373	7,005	1,532,016
AR	472,940	422,768	13,421	7,358	5,294	921,781
CA ¹	4,567,429	5,861,203	418,707	44,987	73,530	10,965,856
CO	883,748	738,227	91,434	10,465	17,494	1,741,368
CT	561,104	816,659	64,452	4,731	13,231	1,460,177
DE	137,288	180,068	8,307	777	1,089	327,529
DC	18,073	171,923	10,576	0	1,322	201,894
FL	2,912,790	2,912,253	97,488	17,484	23,055	5,963,070
GA	1,419,720	1,116,230	0	10,926	36,332	2,583,208
HI	137,845	205,286	21,623	1,071	2,126	367,951
ID	336,937	138,637	12,292	7,615	6,134	501,615
IL	2,019,421	2,589,026	103,759	0	27,729	4,739,935
IN	1,245,836	901,980	18,531	16,959	15,996	2,199,302
IA	634,373	638,517	29,374	5,731	6,400	1,314,395
KS	622,332	399,276	36,086	7,370	7,152	1,072,216
KY	872,520	638,923	23,118	4,152	8,393	1,547,106
LA	927,871	792,344	14,356	20,473	10,612	1,765,656
ME	286,616	319,951	37,127	4,443	3,653	651,790
MD	813,724	1,143,888	53,763	4,247	6,365	2,021,987
MA	878,502	1,616,487	173,564	11,149	19,292	2,698,994
MI	1,953,139	2,170,418	84,165	1,851	22,928	4,232,501
MN	1,109,659	1,168,266	126,696	22,166	11,898	2,438,685
MS	572,844	404,614	8,122	2,265	6,339	994,184
MO	1,189,924	1,111,138	38,515	9,818	10,497	2,359,892
MT	240,178	137,126	24,437	5,697	3,548	410,986
NE	433,850	231,776	24,670	3,646	3,190	697,132
NV	301,575	279,978	15,008	4,747	4,347	605,655
NH	273,559	266,348	22,188	2,615	3,085	567,795
NJ	1,284,173	1,788,850	94,554	6,989	12,660	3,187,226

Exhibit 4

27044181097

NM	286,417	286,783	21,251	1,392	2,762	598,605
NY	2,403,374	4,107,697	244,030	31,599	35,299	6,821,999
NC	1,631,163	1,257,692	0	8,874	17,261	2,914,990
ND	174,852	95,284	9,486	7,288	1,346	288,256
OH	2,350,363	2,183,628	117,799	26,721	23,487	4,701,998
OK	744,337	474,276	0	9,014	6,602	1,234,229
OR	713,577	720,342	77,357	7,063	12,210	1,530,549
PA	2,281,127	2,485,967	103,392	16,023	25,676	4,912,185
RI	130,555	249,508	25,052	2,273	1,724	409,112
SC	786,892	566,037	20,279	3,309	7,385	1,383,902
SD	190,700	118,804	0	3,322	3,443	316,269
TN	1,061,949	981,720	19,781	4,250	8,053	2,075,753
TX	3,799,639	2,433,746	137,994	12,394	23,864	6,407,637
UT	515,096	203,053	35,850	9,319	3,379	766,697
VT	119,775	149,022	20,374	2,192	2,431	293,794
VA	1,437,490	1,217,290	59,398	5,455	17,007	2,736,640
WA	1,108,864	1,247,652	103,002	7,171	20,744	2,487,433
WV	336,473	295,497	10,680	3,283	2,318	648,251
WI	1,237,279	1,242,987	94,070	11,446	12,825	2,598,607
WY	147,947	60,481	0	2,724	2,574	213,726
Totals ¹	50,456,062	50,996,582	2,858,843	438,760	613,051	105,363,298

¹ California submitted an amended Certificate of Ascertainment 12/27/00, with amended vote totals, which are reflected here.

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These Men Could Have Served In Vietnam, But Didn't.



JUDITH

Volunteered To Serve And Risked His Life For His Country.

For risking his own life to save others,

JOHN KERRY *was awarded the* **SILVER STAR**



27044181100

the **BRONZE STAR** and **3 PURPLE HEARTS**

Vietnam was a long time ago.

Some say it's not important now, while others must think it is, because they're trying to smear John Kerry's military record with lies and distortions.

And that's a disservice to every American who's served.

The truth is simple. The facts are indisputable.

Lt. John Kerry commanded a swift boat in the Mekong Delta in 1969. He was wounded and has shrapnel in his leg to this day. According to Army Special Forces Lt. Jim Rassmann, who was on that boat, John Kerry saved his life. And the U.S. Navy gave John Kerry the Bronze Star for "great personal courage under fire."

That gives him a unique perspective on decisions about sending our children into combat and caring for them when they return and when they retire.

John Kerry's not turning his back on the men and women who defend our country and their families. He's fighting to take care of those who've taken care of us.



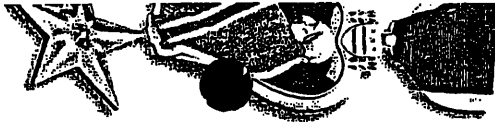
John Kerry: Keeping Faith

With America's Military, Their Families And Our Veterans

Mandatory Funding Of Health Care For Veterans. John Kerry is working to stop Congress from playing the annual game of budget politics with the health of our veterans. He supports mandatory funding for veterans health care so that America never pits veterans in one state against veterans in another.

End The Disabled Veterans Tax. John Kerry is fighting to end the unfair "tax" in which military retirees who receive military pensions are penalized for also receiving disability pay.

Military Reservists Deserve The Same Health Care. John Kerry supports a new law to allow members of the National Guard and Reserves access to the same level of health care as other soldiers.



The Bush Administration: *Failing To Honor Our Commitment To America's Veterans*

Bush Budget Shortchanges Veterans. The Bush Administration's 2005 budget falls more than \$2.5 billion short of the amount needed to fully fund health care for veterans, according to the Independent Budget, an analysis provided by a collective group of veterans organizations.

(Source: Copley News Service, 9-1-04)

Bush Charges Vets New Fees. The Bush Administration's 2005 budget creates a new annual \$250 fee and a doubling of co-payments for prescription drugs for veterans. (Source: Reuters, 7-14-03, Washington Post, 7-22-02)

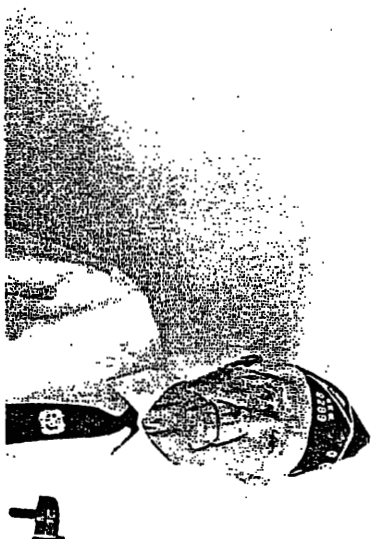
Bush Mismanages Bay Pines VA Hospital In Florida.

A Veterans Administration investigation showed the Bush Administration wasted \$278 million on a computer system at Bay Pines VA Medical Center that has never worked. Yet Florida's Republican leaders, from Speaker Byrd to Senator King, have stood by quietly without a word of objection.

(Source: St. Petersburg Times, 8-12-04)

VFW Commander Criticizes Bush Budget. Veterans of Foreign Wars (VFW) national commander Ed Barnes called the Bush Administration's budget funding for veterans "a disgrace and a sham."

(Source: VFW press release, 2-2-04)



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